

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

SHPENDIM HAXHAJ,

Defendant.

21 Cr. 17-1 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

Defendant Shpendim Haxhaj is currently housed at the Westchester County Jail (“WCJ”) in Valhalla, New York. In October 2022, defense counsel advised the Court that Mr. Haxhaj was suffering from dental issues — namely, discomfort coming from two of his lower teeth. Defense counsel then advised the Court that Mr. Haxhaj requires permanent fillings in two of his lower teeth.

Mr. Haxhaj’s dental issues have been a recurring problem. On December 14, 2021, this Court issued an Order directing the Warden of Westchester County Department of Corrections (“WCDC”) to arrange for the provision of treatment to Mr. Haxhaj to address his stated dental issues, either at WCJ or off-site, on or before January 14, 2022, and to advise the Court when such treatment was administered. (Dkt. #75). Despite numerous communications with prison officials regarding the issue, and the administration of some dental treatment, the issues persisted. Accordingly, on November 2, 2022, the Court directed the WCDC Warden to arrange for the provision of treatment to Mr. Haxhaj to address his most

recently stated dental issues, either at WCJ or off-site, on or before December 2, 2022, and to advise the Court when such treatment was administered. (Dkt. #131).

On November 7, 2022, the Court was advised that Mr. Haxhaj was evaluated by a dentist and refused care. Specifically, Mr. Haxhaj reported pain in a tooth that has a cavity and refused to have a temporary restoration done on that tooth. Additionally, Mr. Haxhaj wanted to have a tooth with a temporary viable restoration re-restored with a permanent restoration, but both the dentist and Deputy Commissioner of Operations at WCJ did not believe it to be necessary. Indeed, WCJ believes that the temporary restorations work as well as permanent ones, and last for five to ten years.

Because Mr. Haxhaj has had consistent pain despite the temporary restorations, however, the Court directs the Warden of Westchester County Department of Corrections to arrange for the provision of permanent restorations on the teeth requiring attention, either at WCJ or off-site, on or before **February 15, 2023**, and to advise the Court when such treatment has been administered.

The United States Attorney's Office is directed to transmit this Order to the necessary parties at once.

SO ORDERED.

Dated: January 13, 2023
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

KATHERINE POLK FAILLA
United States District Judge